

AMENDED IN SENATE MAY 2, 2006
AMENDED IN SENATE APRIL 18, 2006
AMENDED IN SENATE APRIL 6, 2006
AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1712

Introduced by Senator Migden
(Coauthor: Assembly Member Bass)

February 24, 2006

An act to add Section 16124 to the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1712, as amended, Migden. Adoption of hard-to-place teens.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs.

This bill would require the State Department of Social Services to establish 3-year pilot projects in 4 counties, including San Francisco and Los Angeles Counties, and would provide funding to those counties, to provide enhanced Adoption Assistance Program payments and postadoption services to ensure the successful adoption of hard-to-place foster children who are at least 11 years of age, but not yet 18 years of age, and who are members of sibling groups, or have a

mental, physical, emotional, or medical disability. The bill would require participating counties to submit progress reports to the department, and would require the department to report to the Legislature regarding the effectiveness of the program. This bill would encourage the participating counties to create public-private partnerships with private adoption agencies to maximize success in improving permanency outcomes for older foster children, and would require the counties to provide matching funds for purposes of the pilot project, as specified. The bill would appropriate the sum of \$4,000,000 to the department for these purposes. The bill would include a statement of legislative findings and declarations.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Older foster children are emancipating out of the system
- 4 without ever being adopted into a family that loves, nurtures,
- 5 protects, and guides them. Over 80 percent of adoptions of foster
- 6 children through the Adoption Assistance Program involve foster
- 7 children under 11 years of age. Moreover, each additional year of
- 8 age at first placement in foster care correlates to a 12-percent
- 9 drop in the odds of permanence being achieved for a child.
- 10 (b) Older foster youth are more likely to have many special
- 11 needs. Cumulative experiences of exposure to drugs or alcohol
- 12 prior to birth, subsequent child maltreatment, and numerous
- 13 foster care placements combine and bring on intense mental
- 14 health crises or significant behavioral or learning problems.
- 15 Mental health services are often necessary. This need can be
- 16 mitigated by postadoption services.
- 17 (c) Mental health experts recognize the significance and power
- 18 of sibling relationships. Separating siblings in foster care or
- 19 through adoption adds to their emotional burden. When sibling
- 20 ties are severed, the impact can last a lifetime.
- 21 (d) Youth who leave the foster care system are often ill
- 22 prepared for what follows. About one-fourth of former foster
- 23 youth will be incarcerated within the first two years after they
- 24 leave the system. Approximately one-third of former foster youth

1 will be on public assistance shortly after aging out of the system.
2 An estimated 10 percent of the young women emancipating from
3 foster care in California are parents. Nearly a third of foster
4 youth will become homeless within the first year after they leave
5 the system at 18 years of age.

6 (e) Respite care services are lacking for adoptive parents of
7 children with special needs. California does not provide respite
8 care to families who have adopted children, whereas 19 other
9 states do.

10 (f) While most adoptions have positive outcomes for the
11 children and their families, many adoptive families require
12 supportive services during or after the adoption. The State of
13 California recognizes this need and shall conduct a
14 demonstration project for the purpose of increasing the number
15 of successful finalized adoptions of hard-to-place foster youth
16 between 11 and 18 years of age.

17 SEC. 2. Section 16124 is added to the Welfare and
18 Institutions Code, to read:

19 16124. (a) (1) Upon the appropriation of funds by the
20 Legislature for the purposes set forth in this section, the
21 Department of Social Services shall establish three-year pilot
22 projects in four counties, with the agreement of each county, to
23 provide postadoption services to ensure the successful adoptions
24 of “hard-to-place” children in foster care who are at least 11
25 years of age, but not yet 18 years of age, according to criteria
26 developed by the department pursuant to this section.

27 (2) For purposes of this section, “hard-to-place” refers to a
28 foster youth who meets either of the following criteria:

29 (A) He or she has a mental, physical, emotional, or medical
30 disability that has been certified by a licensed professional who is
31 competent to make that assessment and who is operating within
32 the scope of his or her profession. This shall also include a child
33 who has a developmental disability, as defined in subdivision (a)
34 of Section 4512, including those determined to require
35 out-of-home nonmedical care, as described in Section 11464.

36 (B) He or she is a member of a sibling group.

37 (3) The four counties shall include the following:

38 (A) City and County of San Francisco.

39 (B) County of Los Angeles.

1 (C) Two other counties to be selected by the department
2 pursuant to a competitive process.

3 (4) A county that elects to apply for funding pursuant to this
4 section shall submit an application from the department no later
5 than a date determined by the department to ensure timely
6 allocation of funds. The department shall review the applications
7 received, and select the eligible counties in accordance with this
8 section.

9 (b) The department shall ensure that each county participating
10 in the pilot project provides enhanced services, including all of
11 the following:

12 (1) Two enhanced Adoption Assistance Program payments, of
13 up to two thousand dollars (\$2,000) each, as necessary, to
14 adoptive families of hard-to-place children in order to address the
15 special needs of these children. The first payment shall be made
16 to the adoptive family at the time the adoption is finalized, and
17 the second payment shall be made at the end of the second year
18 of permanency, in order to help stabilize the needs of the child
19 and family during the early stage of the adoptive placement to
20 ensure successful permanent adoption beyond this stage.

21 (2) Postadoption services for adoptive families, including, but
22 not limited to, all of the following, as appropriate for each
23 family:

24 (A) Consistent, ongoing case management services.

25 (B) Respite care.

26 (C) Adoption sensitive behavioral health services.

27 (D) Peer support groups.

28 (E) Information and referral services.

29 (3) The postadoption services specified in paragraph (2) may
30 be provided directly by the county, contracted for by the county,
31 or provided through reimbursement to the family, as approved by
32 the county.

33 (c) The amount of funding provided to each county
34 participating in the pilot project shall be as follows:

35 (1) ~~Five hundred thousand dollars (\$500,000)~~ *Seven hundred*
36 *fifty thousand dollars (\$750,000)* to the City and County of San
37 Francisco.

38 (2) ~~One million dollars (\$1,000,000)~~ *two hundred fifty*
39 *thousand dollars (\$1,250,000)* to the County of Los Angeles.

1 (3) A total of two million dollars (\$2,000,000), to be awarded
2 to the two additional counties selected pursuant to subparagraph
3 (C) of paragraph (3) of subdivision (a), *except that the*
4 *department may deduct from this amount any funds necessary for*
5 *its use in administering this section.*

6 (d) Funds shall be allocated to the counties pursuant to
7 subdivision (c) no later than June 1, 2007, and shall be made
8 available for expenditure, as determined by the department, until
9 June 30, 2010.

10 (e) (1) The department shall seek approval for federal
11 matching funds for the purpose of providing enhanced Adoption
12 Assistance payments and postadoption services as provided for in
13 this section.

14 (2) Each county participating in the pilot project provided for
15 in this section shall provide matching funds in an amount equal
16 to 25 percent of the total amount allocated to the county by the
17 department for the pilot project.

18 (3) Pilot project funds shall supplement, and not supplant,
19 existing federal, state, and local funds, and shall be used only in
20 accordance with the terms and conditions of the pilot project.

21 (f) Each pilot project shall be implemented only upon the
22 adoption of a resolution adopted by the county board of
23 supervisors.

24 (g) The department shall work with the counties to develop
25 criteria and requirements for the pilot project, including
26 guidelines for the enhanced Adoption Assistance Program
27 payments and postadoption services provided for pursuant to
28 subdivision (b), the number of families that may participate in the
29 pilot project, given the available resources, and guidelines for
30 data collection, as required by subdivision (i).

31 (h) The department shall work with the four pilot project
32 counties to develop and analyze data regarding the effects of the
33 pilot projects, including, but not limited to, the extent to which
34 the adoptions of youth who are at least 11 years of age, but not
35 yet 18 years of age, who are in sibling groups, or have a mental,
36 physical, emotional, or medical disability, increase as a result of
37 the pilot project. In developing and analyzing the data, the
38 department may consult with the Child Welfare Research Center
39 at the University of California, Berkeley, or other appropriate
40 research organizations.

(i) Not later than July 1, 2009, each participating county shall submit a progress report to the department assessing the effectiveness of that county in achieving the goal of increasing the number of permanent adoptions of hard-to-place foster youth who are at least 11 years of age, but not yet 18 years of age, by ____ percent over the number of adoptions of this category of children prior to implementation of the pilot project. The report shall include all of the following information:

(1) The number of children in families who were served by the pilot project.

(2) The number of families receiving the enhanced Adoption Assistance Program payments specified in paragraph (1) of subdivision (b), and the amount of each of these payments.

(3) The postadoption services that were provided to children and families under the pilot project.

(4) The cost of providing each of the postadoption services, and the number of hours of these services each family receives.

(5) The number of adoptions that were finalized and the number of finalized adoptions that were disrupted.

(6) Problems encountered in the design and operation of the pilot project, including identification of any federal, state, or local statute, regulation, or ordinance that impeded program implementation.

(7) Family and child satisfaction.

(8) Whether the number of adoptions of hard-to-place foster youth increased by ____ percent over the number of similar adoptions prior to implementation of the pilot project.

(j) The department shall submit to the Legislature a preliminary report on the pilot project by January 1, 2010, that shall include the cost of delivering services for the program for each pilot project county and for each child and family served. The department shall submit to the Legislature a final report on the pilot project by November 30, 2010, that shall additionally include an evaluation of the effectiveness of the program.

(k) Adoption programs in the pilot project counties shall be encouraged to create public-private partnerships with private adoption agencies to maximize their success in improving permanent outcomes for older foster youth.

SEC. 3. The sum of four million dollars (\$4,000,000) is hereby appropriated from the General Fund for allocation to the

- 1 Department of Social Services for the purposes set forth in
- 2 Section 16124 of the Welfare and Institutions Code.

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